

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 2-6 are pending and stand rejected. Claims 2-6 have been amended. Claim 7 has been added.

Claims 2-6 stand rejected under 35 USC 103(a) as being unpatentable over Wang (USP no. 6,167,084) in view of Wells (USP no. 6,310,915).

Claims have been amended to recite that a video complexity is determined from quantization factors and the input signal, a weighting factor is determined, and an indicator is determined as a function of the determined video complexity. No new matter has been added. Support for the amendments may be found on at least page 5, lines 1-28 and the equations shown therein.

Wang discloses a system for dynamic bit allocation for statistical multiplexing of compressed and uncompressed digital video signal. Wang discloses that a video complexity factor is determined as a function a bit-rate and a quantization factor of a current image. The determined complexity factor is applied to the next frame. (See for example, col. 13, lines 40-42, which state "[t]he three complexity measures for a program are updated after encoding each frame n'").

Wells disclose a video transcoder with bitstream look ahead for rate control and statistical multiplexing wherein encoding parameters are allocated based on the information gathered for each of the k previously encoded picture. (see Abstract). Wells discloses gathering of "pre-encoding statistics' for ...video signals such as; a number of bits generated for each compressed picture, an average quantization level, picture type, scene change locations and repeat field patterns" (see col. 5, lines 7-10). Wells further discloses that the "a priori, pre-encoding statistics are ... used as an indication of the complexity of encoding the video signal." (see col. 5, lines 16-18).

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of

success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, Wang teaches a method to dynamic bit allocation using a complexity factor determined based on a quantization level and the number of bits transmitted and the complexity factor is updated after the encoding each frame. Contrary to the statements made in the Office Action that "Wang is silent on when (before or after the regulation process) the indicator is computed," applicant submits that Wang specifically teaches that the updating of the complexity factor is performed after the regulation process. Wang provides no suggestion or motivation to determine a weight factor and determining an indicator as function of the transcoding channel video complexity and associated weighting factor as is recited in the claims.

Similarly, Wells fails to teach a weight factor and determining an indicator as function of the transcoding channel video complexity and associated weighting factor.

Even if it were possible to combine the teachings of Wang and Wells, the combined device does not render obvious the invention claimed, as the combination of Wang and Wells fails to teach or suggest all the elements claimed. More specifically, even if the a priori statistical data of the input signal were used to determine a complexity factor in the device of Wang, the combined device would not determine a weighting factor or determining an indicator based on the complexity factor and weighting factor.

Having shown that there is no teaching or suggestion to combine the references cited or that if the teachings were combined, the combined device would not include all the elements claimed, applicant submits that the reason for the rejections of claim 1 has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to independent claims 4, 5 and 6 , these claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of these claims. For the amendments made to the claims and in view of the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, the reason for the rejection of these claims has been overcome and

the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

The other claims in this application are dependent from the independent claims discussed above and are therefore believed patentable based on their dependency on an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross
Registration No. 40,007

By: 
Steve Cha
Attorney for Applicant
Registration No. 44,069

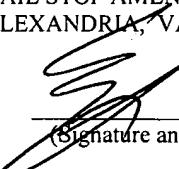
Date: December 21, 2005

Mail all correspondence to:
Russell Gross, Registration No. 40,007
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on December 21, 2005.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)